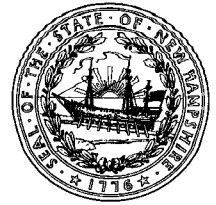




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

**LETTER OF DEFICIENCY
WET 06-022**

March 22, 2006

Gary Trinque
654 Buckley Highway
Union, CT 06076

RE: DES Wetlands File #2005-02454 1485 Big Diamond Pond Road, Stewartstown

Dear Mr. Trinque:

On October 13, 2005, personnel from the Department of Environmental Services Wetlands Bureau ("DES") conducted an inspection of the above-referenced property, more specifically referenced on Town of Stewartstown Tax Map U5 as Lots 18 and 19 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH RSA 483-B.

During the inspection the following deficiencies were documented:

1. A concrete dock pad measuring approximately 8' long by 2' wide had been placed within Big Diamond Pond.
2. The septic plan prepared by North Country Septic Designs dated July 16, 2002 shows a wetland complex on the west side of the small brook located on Lot 19 (copy enclosed). In addition, the Site Assessment Form dated March 3, 2003, states that "the major portion of the lot is wet and is listed as having a hydric soil associated with wetlands." (copy enclosed). The conditions observed in the field were not consistent with the septic plan and site assessment form, indicating that the wetland was filled.
3. The vegetation along Big Diamond Pond was removed or cut along the immediate shoreline.
4. Approximately 80 linear feet of stone rip-rap had been placed within the bank of Big Diamond Pond.

DES records indicate that a permit was not obtained for the above-referenced work.

In response, you are requested to take the following actions:

1. By April 17, 2006, retain a certified wetland scientist to prepare a wetland delineation of Lot 18 in accordance with Section F of the 1987 *Corps of Engineers Wetlands Delineation Manual*. Submit the name and address of the certified wetland scientist to DES in writing by April 17, 2006.
2. By June 21, 2006, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by the certified wetland scientist, and include provisions for:
 - i. Removal of the concrete pad out of the bed of Big Diamond Pond;
 - ii. Removal of the fill in wetlands;
 - iii. Re-planting of native trees and shrubs along the stream and Big Diamond Pond; and
 - iv. Removal of the stone rip-rap from Big Diamond Pond.

3. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with wetland boundaries; and
 2. Proposed conditions after reestablishing the jurisdictional areas;
- b. A detailed description of the proposed means of erosion control (silt fence, hay bales, *etc.*) and stabilization of the restoration area;
- c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) for both the wetland restoration area and shoreline replanting;
- d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
- e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.

4. Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.

5. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the state to maintain the integrity and exceptional quality of the state's public waters. RSA 483-B establishes minimum standards for the future subdivision, use and development of the shoreland within 250 feet of the state's public waters.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

March 22, 2006

Page 3 of 3

Linda Magoon
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, please contact Linda Magoon at (603) 271-4056 or by e-mail at lmagoon@des.state.nh.us.

Sincerely,

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7004 2510 0003 1195 8213

cc: Rene Pelletier, Asst. Director, Water Division
Gretchen R. Hamel, Administrator, DES Legal Unit
Rick Treiss, DES Subsurface Bureau
Stewartstown Conservation Commission
Stewartstown Board of Selectmen
USACOE